

REMARKS

By the present amendment, Applicant has amended Claims 1 and 16, cancelled Claims 6 and 7, and added Claim 21. Claims 1-5, and 8-21 remain pending in the present application. Claims 1, 16, 18, and 21 are independent claims.

In the recent Office Action the Examiner rejected Claims 1, 8, and 10-15 under 35 U.S.C. § 103(a) as being unpatentable over Munro in view of Harris, either alone or further in view of Kazokas, or Meineke et al. The Examiner allowed Claims 18-20, and indicated that Claims 2-7 and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and of any intervening claims.

The Examiner's indication of allowable subject matter is noted with appreciation. In this regard, Applicant has amended independent Claim 1 to incorporate the allowable subject matter of now canceled dependent Claim 7. In addition, Applicant has added new independent Claim 21, which corresponds substantially to original independent Claim 1 and include the allowable subject matter of Claim 6 (now canceled). Applicant respectfully submits that for at least these reasons, amended independent Claim 1 and its corresponding dependent claims, and newly added independent Claims 21 are allowable over the prior art applied of record.

The Examiner rejected Claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Wagner et al. ('973) in view of Meineke et al. either alone or further in view of Kazokas. This rejection is respectfully traversed.

The primary reference to Wagner et al. ('973) discloses a muffler and catalytic converter arrangement for modifying an exhaust stream of an engine. The device disclosed in Wagner et al.

includes a muffler arrangement, a catalytic converter arrangement and flow direction means. The muffler arrangement generally has an exhaust inlet, exhaust outlet and means for sound attenuation. That is, exhaust gas is passed through the muffler arrangement from the inlet end through to the outlet end, with sound attenuation occurring within the muffler. The catalytic converter arrangement is preferably positioned within the muffler arrangement between the exhaust inlet and the exhaust outlet. In general the catalytic converter is operatively positioned within the muffler such that the exhaust gas passes through the muffler arrangement, and then passes through the catalytic converter. The Wagner et al. reference clearly describes an upstream acoustics region 5, a catalytic converter region 6, and a downstream acoustics region 10. In particular, the upstream acoustics region 5 has several disclosed embodiments, and each embodiment includes a means for impeding the exhaust gas flow before entering into the catalytic converter region. Likewise, the downstream acoustics region 10 includes a resonator element that includes a narrow throat area 94 at one end, and a plurality of perforations in a portion of the element at a second end. It is noted that between the first and second ends of the downstream resonator element, the length does not provide perforations along the entire length thereof.

The secondary reference to Meineke et al. discloses a state of the art muffler for retrofitting to an internal combustion engine exhaust system. The muffler system of Meineke et al. includes clamps with the muffler system for attaching to, and removing from an exhaust system.

The additional secondary reference to Kazokas discloses a catalytic muffler having outer casing, a first sound attenuating chamber, and a second catalytic chamber internally of the outer

casing. Kazokas discloses a fibrous material sandwiched between the outer casing and the first sound attenuating chamber.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The Examiner's rejection based on the combination of the Wagner et al. device and the Meineke et al. device is without merit. Applicant claimed embodiment provides a free flow system for the exhaust gases to pass therethrough. Moreover, the independent Claim 16 recites a canister including an inlet end, a forward portion adjacent said inlet end, a rearward portion adjacent said forward portion, an outlet end adjacent said rearward portion. At least one catalytic converter element disposed in the forward portion of the canister. Thus, the catalytic converter is disposed adjacent the inlet of the canister. Wagner et al. is notably different in that Wagner et al. explicitly provides a sound attenuation portion between the inlet and the catalytic converter. In addition, Applicant's claimed embodiment of independent Claim 16 also recites that the resonator element has a length, and the perforations are distributed along the entire length thereof.

The reference to Meineke et al. does not remedy the features lacking from the Wagner et al. disclosure. Specifically, as the Examiner clearly acknowledges, Wagner et al. does not disclose at least one removable end attachment fitting. The claimed removable end attachment fitting allows a removable attachment between the inlet end and the canister. This claim limitation is distinguished from the relied upon disclosure of Meineke et al. because the inlet is part of the claimed embodiment, and the removable attachment is between the canister and the inlet, not between the

inlet of the muffler and the exhaust system of a vehicle, as set forth in Meineke et al. Applicant respectfully submits that there is neither guidance nor motivation found in either Wagner et al. or Meineke et al. to combine these references as suggested by the Examiner. Aside from any other positive teaching to the contrary, one skilled in the art would not be able to arrive at the presently claimed invention in the absence of Applicant's own disclosure. Accordingly, Applicant respectfully requests the withdrawal of this particular ground of rejection.

With respect to Claim 17, Applicant submits that the combination of Wagner et al. and Meineke et al. fail to meet the limitations of the base independent Claim 16. As such, the applied prior art reference to Kazokas neither provides a proper teaching for the lacking limitations, nor provides any further guidance or motivation that would have led one having ordinary skill in the art to arrive at Applicant's unique construction as recited in Claim 17. Thus, Applicant respectfully requests that this particular ground of rejection be withdrawn.

Applicant has amended the claims of this application, and provided arguments that distinguish independent Claim 16 over the applied prior art references. Applicant respectfully submits that for at least these reasons, all pending claims are allowable over the prior art applied of record.

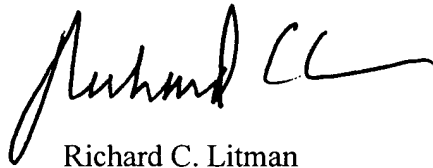
The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the present amendments is respectfully requested.

Application Serial No.: 10/663,751
Art Unit: 2837

Attorney Docket No. 12388.12
Confirmation No. 2626

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard C. Litman", with a stylized flourish at the end.

Richard C. Litman
Registration No. 30,868
(703) 486-1000

RCL:DHT:wse